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June 19, 2020

LETTER MOTION TO ADJOURN INITIAL PRETRIAL CONFERENCE TO 09/10/2020

The Honorable P. Kevin Castel  
U.S. District Judge  
Daniel Patrick Moynihan U.S. Courthouse  
Courtroom 11D, 500 Pearl Street  
New York, NY 10007-1312

Conference adjourned from July  
16, 2020 to September 10, 2020  
at 3:00pm.

Re: *American Latex Corp. v. Novelties By Nass – Walk, Inc. et al;*  
Case No. 1:20-cv- 03860-PKC

SO ORDERED.  
June 22, 2020



P. Kevin Castel  
United States District Judge

Dear Judge Castel:

I am one of the lawyers responsible for representing the plaintiff American Latex Corp. (the “Plaintiff”) in connection in the above-captioned case (the “Action”). I am writing to request that you adjourn the Initial Pretrial Conference, currently set for July 16, 2020, to September 10, 2020. Ted Rothstein, the Vice President of defendants Novelties By Nass – Walk, Inc. and Nasstoys of New York (the “Defendants”), has consented on behalf of the Defendants to adjourn the Conference to September 10, 2020 as the Defendants have not yet retained legal counsel to represent them in the Action.

The complaint for patent infringement in this Action was filed on May 18, 2020. On May 20, 2020, two days later, the Court issued an Initial Pretrial Order setting the Initial Pretrial Conference (the “Conference”) for July 16, 2020. However, the deadline for the Defendants to respond to the complaint is August 10, 2020. *See* DN 016 and DN 017 (Waivers of Service of Summons signed on June 11, 2020). Thus, the date of the Conference precedes the deadline for Defendants to respond to the complaint by about three weeks.

The parties believe that re-setting the Conference to a date after the deadline for the Defendants’ response to the complaint would provide an adequate opportunity for the parties to identify and narrow the facts and legal bases for their respective claims and defenses in advance of the Conference. Furthermore, the parties are actively engaged in settlement negotiations at this time. Adjourning the Conference and the due dates for the Joint Letter and the Case Management Plan would allow the parties to continue their efforts to find an amicable resolution of this Action.

Thank you for your consideration.

Respectfully Submitted,  
/s/Esther J. Choe  
Esther J. Choe

cc: Ted Rothstein (served via email at [tr918@aol.com](mailto:tr918@aol.com))

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